

Attachment to Independent Case Review Report
For CDRU # 6260 Case file # 95-248220.

Material Examiner: Malone (RO)

Remarks:

Case resulted in a trial, testimony transcript provided.

CRM - 6027

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 10:30 AM (Time), 10/23/02 (Date)

File #: 95-248220

Laboratory #(s): 20301054

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>RQ</u>	<u>X</u>	<input type="checkbox"/>	<u> </u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>VI</u>	<input type="checkbox"/>	<u>X</u>	<u> </u>	<input type="checkbox"/>	<input type="checkbox"/>
<u> </u>	<input type="checkbox"/>	<input type="checkbox"/>	<u> </u>	<input type="checkbox"/>	<input type="checkbox"/>

Materials Reviewed

Trial testimony transcript(s) of: Michael Malone

Testimony Date(s): May 5, 1982 Pages: 1-30

Laboratory Report(s):

Laboratory Number: 20301054 Date: April 13, 1982

Laboratory Number: Date:

Laboratory Number: Date:

Examiner Bench Notes of: RQ and unknown technician

Laboratory Number: 20301054

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Initials: SR

Was any other material reviewed? ☒ Yes

☐ No

If yes, please identify and/or describe the material: submitting agency letter dated Feb. 24, 1982

Results of Review

File #: 95-248220

Item or Specimen # Reviewed: Q1-Q18, K1-K5

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
☐ Yes ☐ No ☒ Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?
☐ Yes ☒ No ☐ Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

Transcript not available.

- 3) Testimony consistent with the laboratory report(s)? ☐ Yes ☒ No ☐ Unable to Determine
- 4) Testimony consistent with the bench notes? ☐ Yes ☒ No ☐ Unable to Determine
- 5) Testimony within bounds of examiner's expertise? ☒ Yes ☐ No ☐ Unable to Determine

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Initials: SW

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

File #: 95-248220

#1. It cannot be determined from the notes if the tests were performed in a scientifically acceptable manner. It appears that the technician performed analysis and comparison of the fibers and duct tape in this case instead of Malone.

#2. The results are not adequately documented in the notes. The notes are not dated, are in pencil instead of ink and use abbreviations difficult to interpret. Documentation of testing performed on the fibers is not marked with the lab number, date or initials. The technician does not document the recovery of hair from the evidence.

#3. The testimony about the significance of the hair match (p. 20) that it would be "almost non-existent" to find somebody else with head and pubic hair like the defendant's is much stronger than the opinion in the lab report that the hair "either originated from HUF, or from another Caucasian individual" whose hairs "exhibit the same individual microscopic characteristics" as the hair from HUF. The report further states "It is pointed out that hair

Review completed at: 12:30 PM (Time), 10/23/02 (Date)

Total time spent conducting review (to nearest 1/4 hour): 2.0 hrs.

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.


(Signature)

Oct. 23, 2002

(Date)

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Initials: 

Additional Comments
(Set forth by question #, if applicable)

File #: 95-248220

#3 (continued):

comparisons do not constitute a basis for positive personal identification". The testimony is also much stronger than this statement in the report.

#4. RQ testifies (pp. 16, 17) that he found three pubic hair and three head hair on item Q12, but his examination notes show "A few" pubic hair and "A few" head hair were found. He also testifies (p. 25) that he examined the duct tape but the bench notes indicate the examination was conducted by the technician.

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Initials: SMA